

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON

CIVIL ACTION NO.

SEPTEMBER 11, 2001

03 MDL 1570 (GBD)

FIONA HAVLISH, in her own right and as Executrix of the ESTATE OF DONALD G. HAVLISH, JR., Deceased,	:	CIVIL ACTION NO. 03-CV-9848 – GBD
RUSSA STEINER, in her own right and as Executrix of the ESTATE OF WILLIAM R. STEINER, Deceased,	:	Case Transferred from the United States District Court for the District of Columbia Case Number 1:02CV00305
CLARA CHIRCHIRILLO, in her own right and as Executrix of the ESTATE OF PETER CHIRCHIRILLO, Deceased,	:	
TARA BANE, in her own right and as Executrix of the ESTATE OF MICHAEL A. BANE, Deceased,	:	
GRACE M. PARKINSON-GODSHALK, in her own right and as Executrix of the ESTATE OF WILLIAM R. GODSHALK, Deceased,	:	
ELLEN L. SARACINI, in her own right and as Executrix of the ESTATE OF VICTOR J. SARACINI, Deceased,	:	
THERESANN LOSTRANGIO, in her own right and as Executrix of the ESTATE OF JOSEPH LOSTRANGIO, Deceased, <i>et al.</i> ,	:	
Plaintiffs,	:	<b>PLAINTIFFS' MOTION TO SEAL PORTIONS OF THE EVIDENCE IN SUPPORT OF THEIR MOTION FOR ENTRY OF JUDGMENT BY DEFAULT AGAINST SOVEREIGN DEFENDANTS</b>
v.	:	
SHEIKH USAMAH BIN-MUHAMMAD BIN-LADEN, a.k.a. OSAMA BIN-LADEN,	:	
AL-QAEDA/ISLAMIC ARMY, an unincorporated association, <i>et al.</i> ,	:	

<i>FOREIGN STATE DEFENDANTS:</i>	:
THE ISLAMIC REPUBLIC OF IRAN,	:
AYATOLLAH ALI-HOSEINI KHAMENEI,	:
ALI AKBAR HASHEMI RAFSANJANI,	:
IRANIAN MINISTRY OF INFORMATION AND SECURITY,	:
THE ISLAMIC REVOLUTIONARY GUARD CORPS,	:
HEZBOLLAH, an unincorporated association,	:
THE IRANIAN MINISTRY OF PETROLEUM,	:
THE NATIONAL IRANIAN TANKER CORPORATION,	:
THE NATIONAL IRANIAN OIL CORPORATION,	:
THE NATIONAL IRANIAN GAS COMPANY,	:
IRAN AIRLINES,	:
THE NATIONAL IRANIAN PETROCHEMICAL COMPANY,	:
IRANIAN MINISTRY OF ECONOMIC AFFAIRS AND FINANCE,	:
IRANIAN MINISTRY OF COMMERCE,	:
IRANIAN MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS,	:
THE CENTRAL BANK OF THE ISLAMIC REPUBLIC OF IRAN, <i>et al.</i> ,	:
<hr/> <i>Defendants.</i>	:

**PLAINTIFFS' MOTION TO SEAL CERTAIN PORTIONS OF THE  
EVIDENCE IN SUPPORT OF THEIR MOTION FOR  
ENTRY OF DEFAULT JUDGMENT AGAINST SOVEREIGN DEFENDANTS**

The Plaintiffs in *Havlish, et al. v. bin Laden, et al.*, case number 1:02CV00305, *Havlish, et al. v. bin Laden, et al.*, Civil Action No. 03 MDL 1570 (GBD); 03-CV-9848 (GBD). hereby move this Honorable Court for an Order granting leave to file under seal certain portions of their evidence in support of their Motion For Entry of Default Judgment Against Sovereign Defendants (the Islamic Republic of Iran and related agencies and instrumentalities), as well as their Proposed Findings of Fact and their Memorandum discussing such evidence.

As grounds, Plaintiffs would show that three fact witnesses, all Iranian nationals, who provided evidence that Plaintiffs will submit in support of the Motion For Entry of Default Judgment Against Sovereign Defendants, have legitimate and serious concerns for their safety and the safety of their families and friends if their identities, as witnesses in this case, and/or information related to them, were to become publicly known, *i.e.*, known to the regime ruling the Islamic Republic of Iran. Sealing portions of the evidence, including the three Iranian witnesses' testimony, as well as the unredacted affidavits of Plaintiffs' experts that refer to these witnesses, and related documents, would provide a measure of security for the witnesses and their families, and would also protect the identities of certain other persons associated with these proofs, for similar reasons. (Redacted copies of the affidavits of Plaintiffs' experts have been filed electronically with Plaintiffs' Motion in Support of Motion For Entry of Default Judgment Against Sovereign Defendants.)

Plaintiffs will provide (via hand delivery to the Clerk of Court) a Sealed Affidavit of Plaintiffs' Counsel, to which an attorney for the *Havlish* Plaintiffs has attested, as support for the

grounds underlying this Motion To Seal. A proposed Order is attached for the Court's convenience.

Respectfully Submitted this 20th day of May, 2011,

/s/ Thomas E. Mellon, Jr.

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**CERTIFICATE OF SERVICE**

I, Stephen A. Corr, Esquire, hereby certify that the defendants in the matter of *Havlish, et al. v. bin Laden, et al.*, are in default and have not registered for ECF and, therefore, those defendants have not been served with the attached Motion. All other interested parties in the consolidated actions are being served through the ECF system this 20<sup>th</sup> day of May, 2011.

s/ Stephen A. Corr

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